

## REMARKS

Claims 1-34 were pending in the application at the time the present Office Action was mailed. Claims 1, 20 and 25 have been cancelled without prejudice to pursuing these claims in a continuing application, and without commenting on or conceding the merits of the rejection of these claims. Claims 2 and 22 have been rewritten in independent form to include all the features of the corresponding base claims and any intervening claims. Therefore, claims 2 and 22 have not been narrowed by this amendment. Further, any future rejection of claims 2 and 22 based on new grounds cannot be made final. Claims 3-15, 21, 23, 24 and 26-28 have been amended solely to change the dependencies. New claims 35-38 have been added. Accordingly, claims 2-19, 21-24, and 26-38 are now pending in the present application.

Claims 1-34 were rejected in the Office Action. More specifically, the status of the claims in light of the Office Action is as follows:

(A) Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,224,017 to Fischer et al. ("Fischer"); and

(B) Claims 1-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,743,490 to Gillingham et al. ("Gillingham") in view of Fischer.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on March 4, 2004 to discuss the present Office Action. The following remarks summarize and expand on the results of the interview and reflect the agreements reached between the undersigned attorney and the Examiner during the interview. For example, the following remarks reflect the Examiner's acknowledgement that the applied references, either alone or in combination, fail to teach or suggest a sensor operably coupled to a motion resistor to measure a force usable for determining the torque applied to the motion resistor.

A. Response to the Section 102 Rejection of Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Fischer. Claim 1 has been cancelled in the interest of expediting prosecution and without

commenting on or conceding the merits of the rejection. Accordingly, the rejection of claim 1 is now moot.

B. Response to the Section 103 Rejection of Claims 1-34

Claims 1-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gillingham in view of Fischer. Claims 1, 20 and 25 have been cancelled in the interest of expediting prosecution and without commenting on or conceding the merits of the rejection of these claims. Accordingly, the rejection of claims 1, 20 and 25 is now moot.

Claim 2 has been rewritten in independent form to include all the features of base claim 1. Claim 2 is directed to an aircraft system for moving a control surface between an extended position and a retracted position. The aircraft system includes, *inter alia*, a drive shaft operably coupled to the control surface, a rotor operably coupled to the drive shaft, and at least one motion resistor operably engaging the rotor. The aircraft system of claim 2 further includes a sensor operably coupled to the motion resistor and configured to measure a force usable for determining the torque applied to the motion resistor as the rotor rotates with respect to the motion resistor. As the Examiner acknowledged during the March 4 telephone interview, Gillingham and Fischer fail to teach or suggest such a sensor. Accordingly, these references, either alone or in combination, cannot support a Section 103 rejection of claim 2. Therefore, the rejection of claim 2 should be withdrawn.

Claims 3-15 have been amended to depend from claim 2. Accordingly, the applied references cannot support a Section 103 rejection of dependent claims 3-15 for at least the reasons discussed above with regard to the rejection of claim 2, and for the additional features of these dependent claims. Therefore, the rejection of claims 3-15 should be withdrawn.

The remaining pending claims 16-19, 21-24, and 26-34 all include aspects of features similar to the sensor feature discussed above with reference to claim 2. Accordingly, the applied references, either alone or in combination, cannot support a Section 103 rejection of remaining pending claims 16-19, 21-24, and 26-34 for at least the reasons discussed above with regard to the rejection of claim 2, and for the

additional features of these claims. Therefore, the rejection of claims 16-19, 21-24, and 26-34 should be withdrawn.

New claims 35-38 have been added by this amendment. Claim 35 depends from original base claim 29. Claim 36 is a new base claim from which new claims 37 and 38 depend. All of the new claims are directed to features described in detail in the specification and the accompanying Figures, and equivalents thereof. Accordingly, the new claims add no new matter to the application.

C. Conclusion

In view of the foregoing, the claims pending in the application comply with 35 U.S.C. § 112 and patentably define over the applied art. Therefore, a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes another telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned attorney at (206) 359-6351.

Respectfully submitted,  
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